----- Forwarded message -----

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**Sent:** Friday, 22 April 2022, 12:24:27 GMT+12

**Subject:** CRU Update: LIMs and Jacobs

Dear Mayors and Councillors,

I thought that I would take this opportunity to address the issue of LIMs and the Jacobs' Reports.  These are important issues that require your immediate attention.

**LIMs**

The issue of coastal erosion notations on LIMs was raised by our solicitor Chris Mitchell in a letter to Wayne Maxwell in October 2021.

The letter pointed out that Council had not complied with its obligations, as defined by the High Court in the Weir case in 2013, in developing a LIM notation for the Jacobs report.  Specifically, that the generic Council LIM’s ‘coastal erosion’ note did not acknowledge that the science was in dispute, remained open to revision, and that Council held other relevant information which need to be noted.

This was not the **‘fair and balanced’ LIM specifically required by Judge Williams in his ruling**. Nor had there been any discussion with CRU.

Bizarrely, the coastal erosion note on LIMs is included on every property in the District, irrespective of its location.

Tim Power was tasked by the Council to resolve the issue.

Prior to Christmas he said he would send amended LIM wording for consideration by CRU, but this has not been done.

Chris Mitchell advises that, 6 months and several conversations later, nothing has changed.  He and Tim Power have long agreed on the relevant legal obligations, but there has been no implementation, and the Council continues to issue non-compliant LIMs in the full knowledge that they are non-compliant.

Tim Power has not been in a position to send the revised wording and information links.  Apparently, complying with the law is just not a priority for Council management.

Councillors should consider whether continuing to do something in the knowledge that it is illegal nullifies the Council’s insurance in the event of a claim, and whether Councillors themselves are indemnified once they know and do not act.

**Jacobs Report?**

In 2020 Council initiated a public tender process seeking a **‘coastal hazard and risk assessment report’ (deliverable 1)** and ongoing advice to a CAP (deliverable 2).

 It is worth remembering that the reason a risk assessment report was required was because it was to be used by Council to inform a future district plan change on coastal hazards.  That plan change is required to meet Council’s obligations under RMA.

In simple terms,  a coastal hazard plan change must assess ‘risk’ in order to comply the NZ Coastal Policy Statement, whose policies require an understanding of likelihood.  Without the risk assessment, any report on potential scenarios following sea level rise is of limited use.

Jacobs won the tender and was contracted to supply the report.  When the Volume 1 was received by CRU there was surprise that it was not the ‘risk assessment report’ which the Council had sought.  In fact, Jacobs itself describes the difference between a ‘risk assessment’ and the “vulnerability assessment”, which it provided instead.

**In July 2021, CRU asked Council for information relating to the shift from the risk assessment report commissioned through a public tender process, and the different report (Susceptibility and Vulnerability Assessment) which was provided**.

In reply to this request, Council said,  (once the request was revised) that the amount of information requested was unreasonable and could not be provided without undue effort.

Consequently, CRU complained to the Ombudsman about the refusal.

Following further explanation in January 2022, Tim Power became involved and indicated that the information would be supplied.

Just prior to Easter, Lyndsey Craig advised that there **was no relevant information.**  The main reason for this is that:

* either she apparently does not think that there is any real difference between the report as commissioned and the report received (despite Jacobs’ explanation of the significant difference) or,
* alternatively, that the report will be provided at some later stage in the process (both explanations have been offered).

In any event, there is apparently **no record at all of the reason for the change** and we have been told that **the** **only person in Council who understands it is Ms Craig.**

You have been told, time and again, that you should not only not interfere with this process, but that you should deliberately turn a blind eye to any comments.

CRU for its part has said, time and again, that it has no confidence in the process and, from the above, you will see why.

There is no possibility of engagement when basic information is treated as a secret, and then turns out not to exist.

CRU surmises from all of the correspondence relating to this Official Information Request that:

**1.  A multinational corporation such as Jacobs changed the deliverable 1 of their contract (Coastal Hazard and Risk Assessment) without instruction from Council**

**2.  Ratepayers paid $245, 000, for a report that Council did not commission or contract**

On the limited information available to CRU, there seems a real possibility that the Council has simply devalued its own report, and wasted  $245,000, (likely to be far more with the extras already agreed to with Jacobs) without even understanding it,

That, at least, is something you should be concerned about.

Should you require further information and/or clarification regarding the matter raised in this update, please feel free to contact me directly.

CRU's position has always been to maintain open and transparent engagement with our elected officials.

Regards,

Salima Padamsey

Chair - Coastal Ratepayers United Inc.